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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
TW5922USPCT

First named inventor: Tam P. Le

Application No.: 09/762833

Art Unit 1713

Filed: July 03, 1997

Examiner: B. LIPMAN

Title: POLYMERIZATION WITH LIVING CHARACTERISTICS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

☐ has been filed previously on _____
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

10/31/2006 MBINAS 00000011 041928 09762833

01 FC:1453 1500.00 D0

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PTO/SB/64 (09-06)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Sudhir G. Deshmukh
Signature
SUDHIR G. DESHMUKH
Typed or printed name
E. I. DU PONT DE NEMOURS AND COMPANY
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Legal Patent Records Center, Barley Mill Plaza 25/1128
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4417 Lancaster Pike, Wilmington, DE 19805
Address

10/18/2006
Date
33,677
Registration Number, if applicable
(302) 992-4385
Telephone Number

- Enclosures: ☐ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☒ Other: Petition to Revoke

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

10-30-06
Date

Diane C. Pickering
Signature
Diane C. Pickering
Typed or printed name of person signing certificate

(Page 2 of 2)

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OCT 30 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

CONFIRMATION NO. 1102

LE ET AL.

CASE NO.: TW-5922 A

APPLICATION NO.: 09/762,833

GROUP ART UNIT: 1713

FILED: JANUARY 30, 2001

EXAMINER: B. LIPMAN

FOR: POLYMERIZATION WITH LIVING
CHARACTERISTICS

Petition to Revive under 37 C.F.R. § 1.137 (b)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the above-identified application be revived.

For the record the entire delay in filing the required reply until the filing of a grantable petition was unintentional.

Petition Fee due under 37 C. F. R. § 1.17 (m) accompanies this Petition.

Amendments to claims start on page 2 of this Petition.

Remarks start on page 7 of this Petition.

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SERIAL NO. 09/762,833

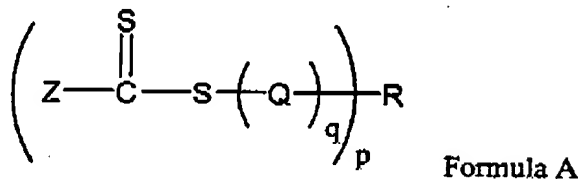
W-5922-A

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Amendments to Claims

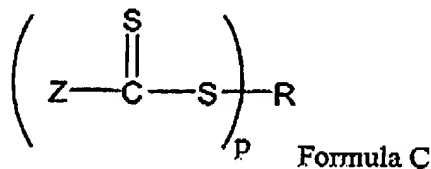
1-10. (canceled)

11. (currently amended) A process for the synthesis of a block polymer of the general formula:



comprising contacting:

- (i) one or more vinyl monomers of structure $\text{CH}_2=\text{CUV}$, and;
- (ii) a chain transfer agent:

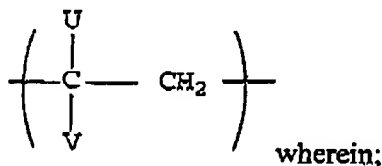


having a chain transfer constant greater than about 0.1; and

- (iii) free radicals produced from a free radical source;

wherein:

Q is a polymer comprising the repeating units of:



U is selected from the group consisting of hydrogen, halogen, and optionally substituted C_1 - C_4 alkyl wherein the substituents are independently selected from the group that consists of hydroxy, OR'' , carboxy, $\text{O}_2\text{CR}''$, and $\text{CO}_2\text{R}''$;

V is selected from the group consisting of hydrogen, R'' and halogen, provided when Q comprises styrene or methyl methacrylate, Z is not alkoxy;

wherein:

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Z is optionally substituted alkylthio; ~~optionally substituted alkoxy~~; dialkyl- or diaryl-phosphonato; or dialkyl- or diaryl- phosphinato;

R is selected from the group consisting of optionally substituted alkyl; optionally substituted alkenyl; optionally substituted alkynyl; an optionally substituted saturated, unsaturated or aromatic carbocyclic or heterocyclic ring; and a polymer chain prepared by any polymerization mechanism; in agent C, R^{*} is a free-radical leaving group that initiates free radical polymerization;

R" is selected from the group consisting of optionally substituted C₁-C₁₈ alkyl, C₂-C₁₈ alkenyl, aryl, heterocyclyl, aralkyl, alkaryl wherein the substituents are independently selected from the group that consists of epoxy, hydroxy, alkoxy, acyl, acyloxy, carboxy and carboxylates, sulfonic acid and sulfonates, alkoxy- or aryloxy-carbonyl, isocyanato, cyano, silyl, halo, and dialkylamino;

q is 1 or an integer greater than 1 wherein when q = 1, then Q is a homopolymer chain resulting from a single monomer species and R is said polymer chain prepared by any polymerization mechanism;

wherein when q ≥ 2, then Q is a copolymer chain resulting from two or more monomer species in irregular sequence and R is said polymer chain prepared by any polymerization mechanism; or

wherein when q ≥ 2, then Q is a block copolymer chain resulting from two or more monomer species in discreet sequence and p is 1.

12. (previously presented) The process according to claim 11, wherein said polymer chain in R is poly(ethylene oxide); R'' is carboxy and carboxylates, or sulfonic acid and sulfonates; or wherein L is diallyldimethylammonium chloride.

13. (previously presented) The process according to claim 11, wherein Q comprises styrene, a functional styrene, butadiene, chloroprene, an acrylate ester, a methacrylate ester or an acrylonitrile.

14. (previously presented) The process according to claim 13, wherein Q comprises vinyl acetate.

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15. (previously presented) The process according to claim 11, wherein R is an alkyl group substituted with substituents selected from the group consisting of aryl, alkenyl, alkynyl and alkyl groups.

16. (previously presented) The process according to claim 11, wherein R is an alkyl group substituted with a substituent selected from the group consisting of aryl, alkenyl and alkynyl groups.

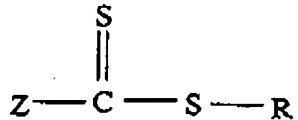
17. (previously presented) The process according to claim 11, wherein R is methyl.

18. (canceled)

19. (canceled).

20. (previously presented) The process according to claim 11 wherein Q comprises styrene, methyl acrylate, ethyl acrylate, butyl acrylate, tert-butyl acrylate, vinyl acetate, or acrylic acid wherein Z is alkoxy and R is optionally substituted alkyl wherein said optional substituents are alkoxycarbonyl and alkyl, or two alkoxycarbonyls.

21. (previously presented) The process according to claim 11, wherein the chain transfer agent is a polymer made by contacting a monomer having the formula $\text{CH}_2=\text{CUV}$ with free radicals from a free radical source and a compound having the formula:



22. (canceled).

23-27. (canceled)

28. (previously presented) The process according to claim 11 comprising increasing the ratio of (ii) to (iii) and obtaining a polymer having a polydispersity in the range of 1.6 to 2.0.

29. (previously presented) The process according to claim 28, wherein the polymer so obtained has a polydispersity of about 1.5.

30. (canceled).

31. (previously presented) The process according to claim 11, wherein the polymer has at least two polymer blocks of polystyrene/polymethyl acrylate.

32. (previously presented) The process according to claim 21 comprising increasing the ratio of (ii) to (iii) and obtaining a polymer having a polydispersity in the range of 1.6 to 2.0.

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33. (previously presented) The process according to claim 32, wherein the polymer so obtained has a polydispersity of about 1.5.

34. (canceled).

35. (canceled).

36. (canceled).

37. (previously presented) The process according to claim 11, wherein substituents in R and Z comprise alkylcarbonyloxy, aryloxy, carbonyl, carboxy, acyloxy, cyano, arylalkylcarbonyl, hydroxy, halogen, amino, epoxy, or alkoxy.

38. (canceled).

39. (previously presented) The process according to claim 11, wherein the substituents in R'' are independently selected from the group that consists of epoxy, hydroxy, alkoxy, carboxy, sulfonic acid, and halo.

40. (canceled).

41. (canceled).

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REMARKS

Applicants' request to provoke interference against Corpart et al.'s US Patent 6,153,705 was granted and judgment in the matter of Patent Interference No. 105,314 was issued by Judge Lane on December 12, 2005. However, the applicants received no communications from the Office thereafter. Therefore, on October 13, 2006 applicants' attorneys Deshmukh and Deitch contacted Examiner Lipman inquiring about the status of the currently pending application.

The applicants were informed by Examiner Lipman that the application was "expressly" abandoned on September 16, 2006. For the record, applicants' never received any such notice of express abandonment from the Patent Office, only available information being what can be seen on USPTO Pair page below:

09/762,833 POLYMERIZATION WITH LIVING CHARACTERISTICS		P	
Application Date	01-30-2001	Customer Number	-
Filing on 371 (c) Date	01-30-2001	Status	Expressly Abandoned -- During Examination
Application Type	Utility	Status Date	09-15-2006
Examiner Name	LIPMAN, BERNARD	Location	ELECTRONIC
Group Art Unit	1713	Location Date	-
Confirmation Number	1102	Earliest Publication No	-
Attorney Docket Number	TW-5922-A	Earliest Publication Date	-
Class / Subclass	525/244	Patent Number	-
First Named Inventor	Tam Le , Mill Park, (AU)	Issue Date of Patent	-
Title of Invention: POLYMERIZATION WITH LIVING CHARACTERISTICS			

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For the record, applicants never expressly abandoned the pending application nor do they intend abandon it. It is sincerely submitted that the foregoing notification on USPTO Pair be corrected.

In order to further the prosecution, applicants have amended the pending claims 11-39 as per the order laid out in the Judgment by Judge Lane, relevant portions of which are recited below:

JUDGMENT - REQUEST FOR ADVERSE - BD.R. 127(B)

Corpart has filed a request for adverse judgment as to Counts 1 and 3 (Paper 21) and Le has filed a request for adverse judgment as to Counts 1 and 2. (Paper 21 and Paper 20, respectively).

Upon consideration of the record and for reasons given, it is

ORDERED that judgment on priority is entered against junior party Pascale Corpart, Dominique Charmot, Samir Z. Zard, Thibaud Bisdatti, and Daniel Michelet as to Counts 1 and 3,

FURTHER ORDERED that junior party Pascale Corpart, Dominique Charmot, Samir Z. Zard, Thibaud Bisdatti, and Daniel Michelet is not entitled to a patent containing claims 1-7, 11, 12, 18, 19, 21-23, 27, and 29 of patent 6,153,705, which claims correspond to both Counts 1 and 3 (Paper 22),

FURTHER ORDERED that judgment on priority is entered against senior party Tam Phuong Le, Graeme Moad, Ezio Rizzardo, and San Hoa Thang as to Counts 1 and 2;

FURTHER ORDERED that senior party Tam Phuong Le, Graeme Moad, Ezio Rizzardo, and San Hoa Thang is not entitled to a patent containing claims 11-39 of application 09/762,833, which claims correspond to both Counts 1 and 2 (Paper 17),

FURTHER ORDERED that a copy of this judgment shall be entered into the administrative records of Corpart's 6,153,705 patent and Le's 09/762,833 application.

Judge Lane in the redeclaration of August 18, 2005 ordered the addition of two counts, namely Count 2 and Count 3 to the original Count 1, as seen below:

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ORDERED that the following two counts are added to the interference;

Count 2

Corpart claim 1, wherein Z2 is O

or

Le claim 11 wherein Z is optionally substituted alkoxy.

Count 3

Corpart claim 1, where Z2 is S

or

Le claim 11 wherein Z is optionally substituted alkylthio, dialkyl- or diaryl-phosphonato, or dialkyl- or diaryl-phosphinato.

FURTHER ORDERED that the following claims are designated as

corresponding to Count 2:

Corpart: 1-12, 18-27, and 29

Le: 11-39

FURTHER ORDERED that the following claims are designated as

corresponding to Count 3:

Corpart: 1-7, 11, 18, 19, 21-23, 27, and 29

Le: 11-17, 21, 23-25, 27-29, 31-33, and 39

Thus, it is clear that there was an implicit judgment in favor of the applicants (Senior Party in the Interference) to the currently pending claims when Z is optionally substituted alkylthio, dialkyl-or diaryl-phosphonato, or dialkyl-or diaryl-phosphinato (Count 3) but not when Z is optionally substituted alkoxy (Count 2).

In the order to comply with the order issued by Judge Lane, applicants have amended claim 11 and canceled claims 18, 19, 22, 30, 34, 35 and 36. As per Examiner's instructions this Petition is being faxed to 571-273-1105.


In view of the foregoing remarks and amended claims, applicants respectfully submit that the notice express abandonment should be withdrawn and prosecution of the pending claims be

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commenced. It is respectfully submitted that all the claims are now in condition for allowance in view of compliance with Judge Lane's order and further in view of the prior notice of allowance mailed to the applicants on July 20, 2004. Should the Examiner wish to discuss any issues involved in this application, the Examiner is respectfully invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,


SUDHIR G. DESHMUKH
ATTORNEY FOR APPLICANTS
REGISTRATION NO. 33,677
TELEPHONE: (302) 992-4385
FACSIMILE: (302) 992-5922

Dated: October 18, 2006

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Diane C. Pickering

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302-892-7927

Registration Number, if applicable

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09/762833

TW5922USPCT

Petition to Revive (11 pages)

Fee Transmittal Sheet (1 page)

Page 1 of 13

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

1,500.00

Complete if Known

Application Number 09/782833
 Filing Date July 03, 1997
 First Named Inventor Tam P. Le
 Examiner Name B. LIPMAN
 Art Unit 1713
 Attorney Docket No. TW5922USPCT

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METHOD OF PAYMENT (check all that apply)

- ☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
- ☒ Deposit Account Deposit Account Number: 04-1928 Deposit Account Name: E. I. du Pont de Nemours and Company
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	<input type="checkbox"/> 300	<input type="checkbox"/> 150	<input type="checkbox"/> 500	<input type="checkbox"/> 250	<input type="checkbox"/> 200	<input type="checkbox"/> 100	0.00
Design	<input type="checkbox"/> 200	<input type="checkbox"/> 100	<input type="checkbox"/> 100	<input type="checkbox"/> 50	<input type="checkbox"/> 130	<input type="checkbox"/> 65	0.00
Plant	<input type="checkbox"/> 200	<input type="checkbox"/> 100	<input type="checkbox"/> 300	<input type="checkbox"/> 150	<input type="checkbox"/> 160	<input type="checkbox"/> 80	0.00
Reissue	<input type="checkbox"/> 300	<input type="checkbox"/> 150	<input type="checkbox"/> 500	<input type="checkbox"/> 250	<input type="checkbox"/> 600	<input type="checkbox"/> 300	0.00
Provisional	<input type="checkbox"/> 200	<input type="checkbox"/> 100	<input type="checkbox"/> 0	<input type="checkbox"/> 0	<input type="checkbox"/> 0	<input type="checkbox"/> 0	0.00

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25

Each independent claim over 3 (including Reissues)

200	100
-----	-----

Multiple dependent claims

360	180
-----	-----

Total Claims Extra Claims Fee (\$)

20 or HP = x 50.00 = Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$)

3 or HP = x 200.00 = Fee Paid (\$)

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
YES <input type="checkbox"/>	360.00	

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
<u> </u> - 100 = <u> </u> / 50 = <u> </u> (round up to a whole number) x <u>250.00</u> = <u> </u>				

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition to Revoke

Fees Paid (\$)

1,500.00

SUBMITTED BY

Signature

Name (Print/Type)

Sudhir G. Dashmukh

Registration No.
(Attorney/Agent)

33,677

Telephone (302) 992-4385

Date 10/18/2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.